REMARKS/ARGUMENTS

This Amendment is in response to the Office Action mailed October 5, 2004 in the above-identified application for Letters Patent. A three (3) month extension of the time period for response has been obtained by a Petition filed on even date herewith, thereby setting the end of the response period on April 5, 2005.

Amendments to the Claims

Claims 1-31 were originally presented for examination.

Claims 1, 14 and 15 are currently amended herein.

Claims 16-18, 21-25 and 29-31 are cancelled.

Claims 26-28 are withdrawn without prejudice in a restriction election.

Claims 1-15, 19 and 20 remain in the application.

Response to the Office Action

As set forth, beginning at page 3 of the Office Action, Claim 14 stands rejected under 35 U.S.C 112 because the word "items" is rendered indefinite. Using the Examiner's helpful suggestion, Claim 14 has been amended to clearly define "items" as image data items, thereby overcoming the rejection under 35 USC 112.

As set forth, beginning at page 4 of the Office Action, Claims 1-5, 7-21, 23-28, 30-31 stand rejected under 35 U.S.C. 103(a) as being obvious and unpatentable over Steinberg et al. WO 00/01138 (Steinberg hereafter).

As set forth, beginning at page 7 of the Office Action, Claims 6, 22, 29 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Steinberg in view of Kagawa et al. US Patent No. 5, 995, 239.

As noted in the first paragraph, under <u>Summary of the Invention</u>, page 3 of the present application:

It is the primary object of this invention to provide an apparatus and method that enables the users of digital image acquisition devices to obtain hard copy output from or to share the digital images by transmitting the images to a remote node of a communication network through an ***automatically determined closest entry point*** (emphasis added).

It is highly desirable for the user to connect to the network entry point closest to the location of his communication apparatus to minimize toll charges.

It is also highly desirable for the communication apparatus to use a method of ***automatically determining the closest entry point*** to save the user the time and effort of having to engage in a ***manual***, interactive dialog with the remote server to provide it with the user's present location and then receive back from the server the contact information.

The present invention provides the automatic determination of the closest entry point feature in the claimed image data communication method and apparatus to minimize the toll charges and save the user the time and effort of the manually interactive dialog with the remote server.

To more clearly point out the patentably distinguishing features of the present invention, the independent method Claim 1 and the independent apparatus Claim 15 have been amended to include more details of how the steps of automatically determining the closest entry point are accomplished.

More specifically, Claim 1 has been currently amended as follows:

Claim 1 (currently amended): A method of transmitting to a remote node in a data communications network, digital images from an image data source, comprising the steps of:

providing the customer a specific <u>communication</u> apparatus, said <u>communication</u> apparatus having identifying information stored in a memory thereof; and

accessing and transferring one image or a plurality of images from the image data source <u>to said communication apparatus</u>;

automatically determining a closest entry point into the data communications network <u>including the steps of</u>;

(a) <u>automatically sending information from said communication apparatus, via a toll free link, to the data communication network to ascertain the location of said communication apparatus</u>;

(b) <u>at the data network, automatically recognizing the location of said communication apparatus, comparing the location to a stored list of network entry points and selecting the closest entry point, and transmitting back to said communication apparatus the contact information for the selected closest entry point; and</u>

(c) <u>at said communication apparatus, automatically using the provided contact information to establish communication with the data network via the closest entry point</u>;

transmitting said image or plurality of images and said identifying information, through the closest entry point, to a remote node of the data communications network; and

receiving, at the remote node of the data communication network, said image or plurality of images and said identifying information.

Similarly, apparatus Claim 15 has been currently amended as follows:

Claim 15 (currently amended): ~~An~~ A communications apparatus enabling the transmission to a remote node in a data communications network, of digital images from an image data source and of identifying information, said communications apparatus comprising:

means for accessing one image or a plurality of images from the image data source;

means for storing identifying information in a storage component of said apparatus; ~~and~~

means for automatically determining a closest entry point into the data communications network comprising; ~~and~~

(a) means for automatically sending information from said communication apparatus, via a toll free link, to the data communication network to ascertain the location of said communication apparatus;

(b) at the data network, means for automatically recognizing the location of said communication apparatus, comparing the location to a stored list of

network entry points and selecting the closest entry point, and transmitting
back to said communication apparatus the contact information for the
selected closest entry point; and

(c) at said communication apparatus, means for automatically using the
provided contact information to establish communication with the data
network via the closest entry point; and

means for transmitting the image or plurality of images and the identifying
information, through the entry point, to a remote node of the network.

Thus, the automatic determination of the closest entry point in the present
invention involves automatically sending information over a toll free link to the server
to ascertain the location of the communication apparatus, at the network,
automatically recognizing the location, comparing the location to list of network entry
points, selecting the closet entry point and sending the contact information back to the
communication apparatus which automatically uses the contact information to
establish communication with the data network via the closest entry point.

In one embodiment, Caller ID information is used to ascertain the location of
the communication apparatus. In another embodiment, GPS information is used to
ascertain the location of the communication apparatus.

In rejecting Claims 1-5, 7-21, 23-28 and 30-31 under 35 U.S.C. 103 (a) the
Office action states on pages 4 and 5.:

> "As per claim 1, Steinberg teaches a method of
> transmitting to a remote node (18, fig. 1, page 6, lines
> 16-18; server) in a data communications network (16,
> fig. 1), digital images from an image data source (12,
> fig. 1; digital camera), comprising the steps of:
> accessing and transferring one image or a plurality of

images from the image data source (abstract); providing
the customer a specific apparatus (10, fig. 1, page 6, line
14), said apparatus having identifying information
stored in a memory thereof; transmitting, receiving and
storing, at the remote node of the data communications
network, said image or plurality of images and said
identifying information (page 8, lines 27-34; *account
number identifies the user in the system).* Steinberg
does not specifically teach automatically determining a
closest entry point into the data communications
network. However, it is well known in the art to pre-
program local Internet Service Provider (ISP) telephone
numbers in memory for quick automatic dialing to
connect to the network. One of ordinary skill in the art
would have been motivated to choose local entry points
to the network to save time and cost and also reduce the
risks of network interruption after network connection."

The method Claim 1 and the apparatus Claim 15, as currently amended herein,
define the claimed invention as a combination of steps or elements.

In the above rejection, the office action states that Steinberg disclose all of the
Applications steps or elements *except* "Steinberg does not specifically teach
automatically determining a closest entry point into the data communications
network."

As noted above and in the Specification, it is the primary object of this
invention to provide an apparatus and method that enables the users of digital image
acquisition devices to obtain hard copy output from or to share the digital images by
transmitting the images to a remote node of a communication network through an
automatically determined closest entry point (emphasis added).

Thus, the automatic determination of the closest entry point is the focal point
of the claimed combination. Steinberg does not disclose, teach or suggest the entire

claimed combination of steps in method Claim 1 or the entire combination elements

in apparatus Claim 15 because, as noted in the Office Action, Steinberg does not

specifically teach automatically determining a closest entry point to the data

communication network.

The Office Action goes on to state and conclude:

> "However, it is well known in the art to pre-program
> local Internet Service Provider (ISP) telephone numbers
> in memory for quick automatic dialing to connect to the
> network. One of ordinary skill in the art would have
> been motivated to choose local entry points to the
> network to save time and cost and also reduce the risks
> of network interruption after network connection."

The Applicants respectfully disagree with this conclusion. The Office Action

cites no reference to support the statement "it is well known in the art to pre-program

local Internet Service Provider (ISP) telephone numbers in memory for quick

automatic dialing to connect to the network". It is not clear from this statement where

the "memory" resides. The statement that one of ordinary skill in the art would have

been motivated to choose local entry points to the network to save time and cost and

also reduce risks of network interruption after the network connection is similarly an

opinion that is unsupported by any cited reference. There is no evidence provided in

the Office Action to support what would have been obvious, at the time of the

invention was made (Applicants' filing date is 04/26/2001) to a person having

oridinary skill in the art to which the subject matter pertains, as required under 35

U.C.S. 103(a).

Furthermore, there is no disclosure, teaching or suggestions in Kagawa whether taken alone, or in combination with Steinberg, that would anticipate, nor make obvious, the method of Claim 1 and/or the apparatus of Claim 15, as currently amended herein.

For the reasons, stated above, Applicants respectfully submits that Claims 1 and 15 clearly and patentably distinguish over the cited prior art and are in condition for allowance.

Dependent method Claims 2-14, depend directly or indirectly from independent Claim 1 and add further limitations thereto. These limitations, provide details about using Caller ID or GPS information to determine the location of the communication apparatus, using packets to maximize data rates and further information about dealing with interrupts and data synchronization.

Dependent Claims 19 and 20 depend directly or indirect from apparatus Claim 15 and add further limitations thereto. Claim 19 states the apparatus uses a GPS receiver in the automatic determination of the closest entry point. Claim 20 states that Caller ID information is used in the automatic determination of the closest entry point.

The claimed method and apparatus of the present invention, including the additional limitation set forth on the above noted dependent claims, is not disclosed, taught or suggested in the cited Steinberg and Kagawa references whether taken alone or in combination.

For these reasons, and those set forth above pertaining to Claims 1 and 15, Applicants respectfully submit that dependent claims 2-14 , 18 and 19 clearly and patentably distinguish over the cited prior are and are in condition for allowance.

For all of the above reasons, Applicants submit that the Specification and Claims are now in proper form, and that the Claims all patentably define over the prior art. Therefore, Applicants submit that this Application is now in condition for allowance, which action they respectfully solicit.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: ___March 22, 2005___

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